

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 643/2024**

News item titled "Garbage overflow poses health risks to visually impaired students in West Delhi" appearing in the Millennium Post dated 30.04.2024.

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Through



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**PLACE: NEW DELHI**

**DATE: 19.09.2024**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 643/2024**

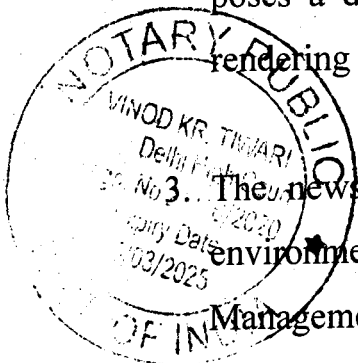
News item titled "Garbage overflow poses health risks to visually impaired students in West Delhi" appearing in the Millennium Post-dated 30.04.2024.

**MOST RESPECTFULLY SHOWETH:**

1. The Affidavit is being filed on behalf of the answering Respondent, the Municipal Corporation of Delhi [MCD] pursuant to this Hon'ble NGT Court's directions via order dt.31.05.2024

**PRELIMINARY SUBMISSIONS**

1. This original application is registered SuoMotu on the basis of the news item titled "Garbage overflow poses health risks to visually impaired students in West Delhi" appearing in the 'Millennium Post' dated 30.04.2024.
2. The news item relates to the presence of a huge overflowing MCD garbage receptacle point and multiple sewage holes adjacent to it near the Akhil Bhartiya Netrahin Sangh in Raghbir Nagar in West Delhi. As per the news item, the institution has been offering free education and accommodation to a batch of over hundred visually impaired children every year since 1971. The news item states that despite maintaining the school's interior well, it faces a significant challenge due to the presence of garbage. The news item states that the overflow of waste onto the roads poses a direct problem to the school's dining hall, where students eat, rendering the environment unbearable for them.



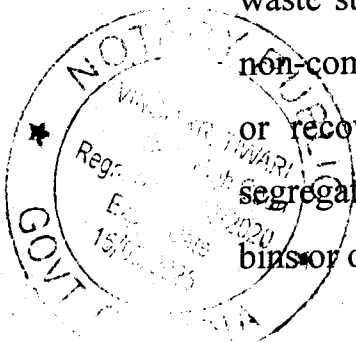
The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of the Solid Waste Management Rules, 2016 and the Environment (Protection) Act, 1986.

4. The management of solid waste in accordance with SWM Rules 2016 and SWM BYE LAWS notified there under by the LG. The focus of SWM Rules 2016 is on recovery , reuse, is waste reduction and optimum utilisation of various components of solid waste to ensure minimisation of waste going into landfills.
5. That to achieve these objectives, the SWM Rules lay out step by step process which is enumerated herein below.

In the above matter, it is submitted that MCD has awarded the work for collection and transportation of Municipal Solid Waste and Street Sweeping Waste in West Zone to the Concessionaire, M/s Ecogreen Envirotech Solutions Limited vide Work Order No. F-120/E-in-C/SDMC/2016/275 dated 21.12.2016 for the period of 8 years.

For the work of collection and transportation of MSW in West Zone, the Concessionaire, M/s EESL manages in two phase i.e. Primary Collection and Secondary Collection.

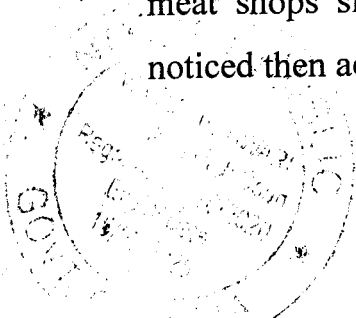
- a. **Door to door collection:** The first step under decentralized waste management, wherein collection of solid waste from doorsteps, entry gates or designated locations on ground floors of households, institutional and other non-residential establishments, including commercial establishments is undertaken.
- b. **Secondary storage and segregation:** Solid waste is then stored and segregated across a decentralised network of 'secondary storage' facilities, i.e. "temporary containment of solid waste after collection at secondary waste storage depots" or 'Material Recovery Facilities' [MRF] that store non-compostable solid waste temporarily to facilitate segregation, sorting or recovery of recyclables for onward transportation of waste to the segregating facilities. Such secondary storage facilities include also storage bins or other covered waste storage facilities / depots.



- c. A *Dhalao* or a 'Community Waste Storage Bin' is a storage facility to store solid waste which is maintained by the MCD.
- d. An **FCTS** is emphatically neither a dumping site nor a storage facility, but a closed container powered machine designed to rapidly compact solid waste transported from storage and segregation facilities by the answering Respondent, as specifically contemplated under the SWM Rules, 2016 and SWM Bye-laws, 2017. The segregated solid waste is then transported from secondary storage sites multiple times a day to a network of decentralised FCTS facilities, where it is rapidly compacted.
- e. It is also important to note that SWM Rules 2016 expressly state that all citizens, residential premises, non-residential premises that generate solid waste are waste generators and impose collective responsibility on all stake holders to act in concert with local bodies to implement solid waste management frame work contemplated therein.

**Para Wise Reply:**

In the above mentioned site i.e. Dhalao No. 5 Near Blind School, B Block, Cement Store, Raghbir Nagar, Ward No. 94, MSW is being generated in nearby area of this Dhalao and is which is collected **approximately** to the tune of **5 to 6 MT per day**. It is also however pertinent to mention that no slaughter waste is being dumped by the Butcher Shops in the aforesaid Dhalao. As the Murga Market Association has their own in house mechanism to collect and transport the slaughter waste for proper disposal as per the reply submitted by them in response to the notices issued to them. The association has further stated that these shopkeepers do not dump/dispose off the meat waste in any dhalao/dumping ground in the entire area of west Delhi. However veterinary inspector has been directed to make frequent visits of the meat shops situated around the concerned dhalao, and if any violation is noticed then action as per meat shop licence policy shall be taken.



In this regard, it is submitted that, for servicing of Door to Door collection of garbage, concessionaire has deployed the adequate numbers of Auto Tippers, Three Wheelers in each wards of West Zone.

There 16 Nos. of Primary Vehicles which have been deployed in Ward No. 94, Raghbir Nagar for servicing of door to door collection. These 16 vehicles collecting the MSW from the households and Market Associations, after collecting the solid waste is being stored at Secondary Collection Point i.e. Dhalao No. D-5 Near Blind School, Near B Block, Cement Store, Raghbir Nagar.

On site segregation through informal sector is also being done at the aforesaid Dhalao such as segregation of bottles and glass. The segregated waste is collected in separate bins as Dry Waste and Wet Waste in the auto tippers deployed for the purpose. Segregated wet waste is being transported at Decentralized Composting Units at Disaster Management Centre, Raghbir Nagar and Dry Waste such as glass, plastic bottles etc. is transported to the Material recovery facility (MRF) Centre, Raghbir Nagar for further processing.

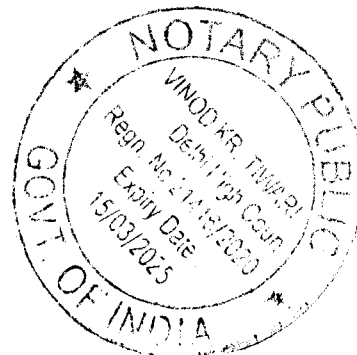
In last, residual waste is being transported from Secondary Collection Points to Waste to energy (WTE) Plants at Tehkhand and Timarpur Okhla by the Secondary Vehicles. There are 3 Nos. of Secondary Collection Vehicles deployed in Ward No. 94, Raghbir Nagar for the transportation of solid waste. Each secondary vehicle having capacity 5-6 MT and completing two trips per day by each vehicle on daily basis. From the aforesaid Dhalao, the Secondary Vehicles lift the garbage in the morning every day. Concessionaire has maintained zero garbage time at the aforesaid Dhalao within 24 hours.



That the condition of the Dhalaos at the site in question is maintained in good sanitary condition as various steps to improve the sanitation condition in collection and transportation of MSW have been taken up by MCD through its concessionaire such as deployment of more no of auto tippers, deployment of additional staff, secondary vehicles, integration of private rag pickers, regular deployment of concessionaire staff at Dhalao on regular basis. There is an endeavour that no spilling of solid waste at dhalaos and nearby areas is found. This dhalao is in existence since last 3 decades, it has now been opportunistically chosen to replace it. The department always faces NIMBY Syndrome in regards to Collection sites. The photographs of the Dhalao are annexed herewith as **Annexure A**.

**Closure and replacement of existing Dhalaos:** A Fixed Compactor Transfer Station is under construction at 12.5 Gaj Road, Raghbir Nagar, which is approx. 200 meter away from the existing Dhalao No. D-5 Near Blind School, B Block, Cement Store, Raghbir Nagar. The aforesaid Dhalao will be closed after functioning of aforesaid FCTS starts. The civil work of FCTS is almost completed. Concessionaire has to install a new portable compactor machine at the aforesaid FCTS.

As the Concession Period of Concessionaire will be expire in the month of April 2025 and MCD is already under process for issue a new tender for the Concessionaire. However, department has ensured to make the FCTS of 12.5 Gaj Road, Raghbir Nagar operational expeditiously. We are aimed at reducing open waste sites in Delhi and are in the process of replacing them with FCTS or converting them into RRR sites.



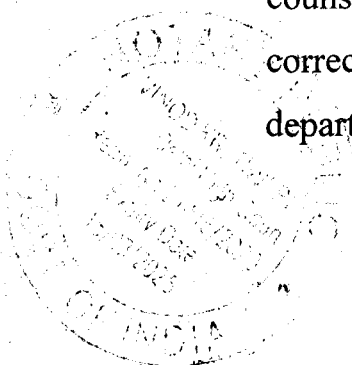
BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 643/2024

AFFIDAVIT

I, Anil Kumar, working as Executive Engineer (EMS)/West Zone, do hereby solemnly affirm and declare as under:-

1. That I am fully acquaintance of the circumstances of the case and I have authority and competence to submit and verify the contents of this accompanying application on behalf of the replying Respondent.
2. That the contents of paras of the affidavit have been drafted by my counsel under my instructions and the contents of the same are true and correct to the best of my knowledge and records maintained by the department.



*[Signature]*  
DEPONENT

VERIFICATION:

19 SEP 2024

*[Signature]*  
I identified - the Deponent who has signed/thumb impression before me

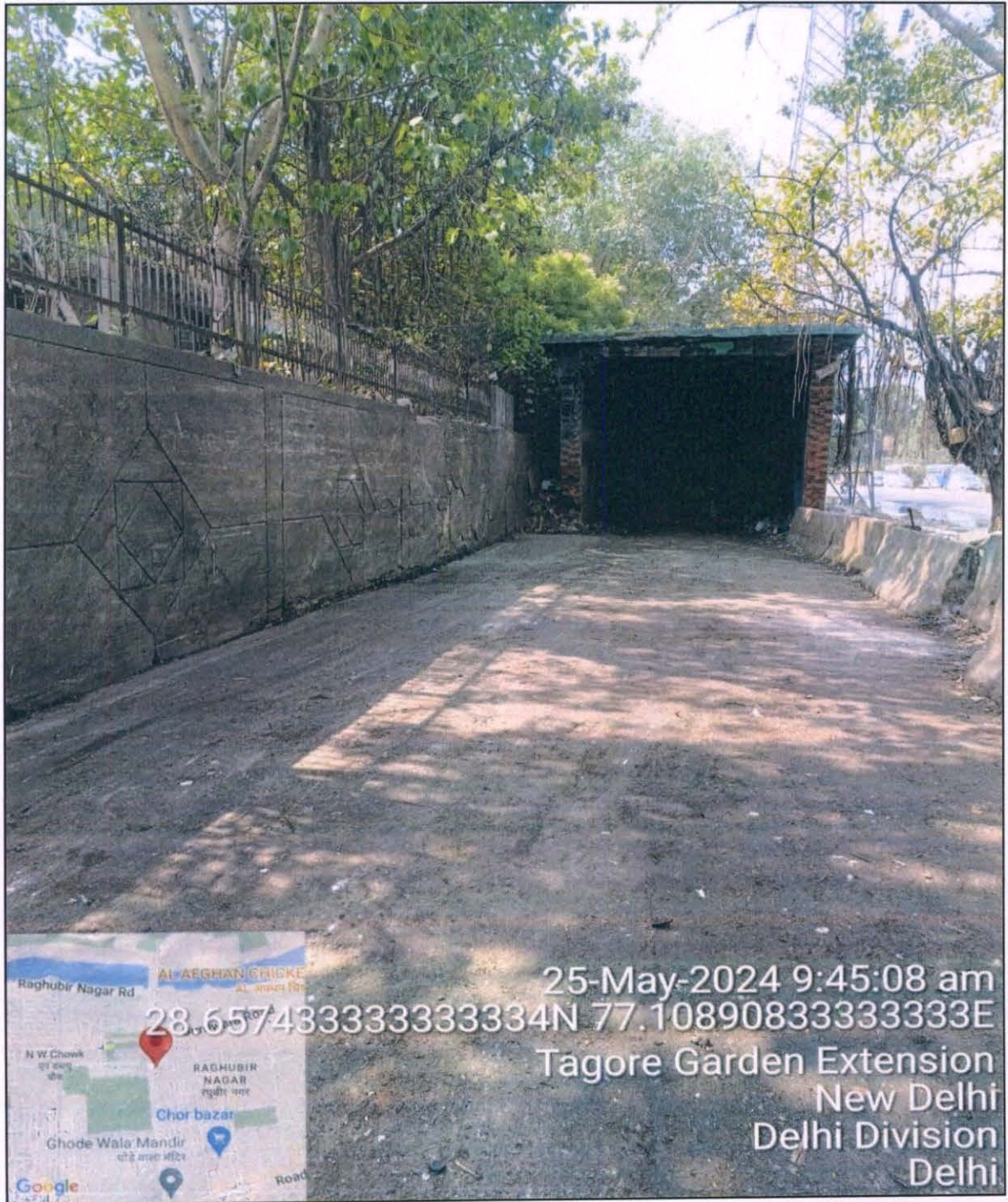
verified at New Delhi on this 19<sup>th</sup> day of September, 2024 that the contents of above affidavit are true and correct to my knowledge and nothing material has been concealed thereof.

*[Signature]*  
DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI  
*[Signature]*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2003  
NOTARY PUBLIC (NEW DELHI)  
62  
19 SEP 2024

Annexure-A

Cleared Photographs of Dhalao No. D-5, Near Blind School, Near B Block, Cement Store, Raghubir Nagar, Ward No. 94 on different dates.



25-May-2024 9:45:08 am  
28.657433333333334N 77.10890833333333E  
Tagore Garden Extension  
New Delhi  
Delhi Division  
Delhi





17-Sep-2024 10:14:18 am  
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Tagore Garden Extension  
New Delhi  
Delhi Division  
Delhi





19-Sep-2024 9:35:43 am  
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Tagore Garden Extension  
New Delhi  
Delhi Division  
Delhi